

ESTTA Tracking number: **ESTTA883668**

Filing date: **03/16/2018**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Proceeding	91233690
Party	Defendant Rusty Ralph Lemorande
Correspondence Address	RUSTY LEMORANDE 1245 NORTH CRESCENT HEIGHTS BLVD #B LOS ANGELES, CA 90046 UNITED STATES Email: lemorande@gmail.com
Submission	Motion to Extend
Filer's Name	Rusty Ralph Lemorande
Filer's email	Lemorande@gmail.com
Signature	/rusty ralph lemorande/
Date	03/16/2018
Attachments	NOLD. EXTENSION FOR DISCOVERY.FINAL.pdf(1089258 bytes)

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

Serial No: 87090468
Publication date: 11/29/2016
Opposition Number: 91233690
For the Mark: NIGHT OF THE LIVING DEAD

)	
Rusty Lemorande <i>in pro per</i>)	
)	
Petitioner,)	
)	
vs.)	
)	
IMAGE 10, INC.)	
)	
Respondent.)	
)	

OPPOSER’S COMBINED MOTION TO COMPEL
AND
MOTION TO EXTEND DISCOVERY AND TRIAL DATES

Pursuant to Rule 37 of the Federal Rules of Civil Procedure and Rule 2.120 of the Trademark Rules of Practice (37 C.F.R. § 2.120), Petitioner Rusty Lemorande, (“**Lemorande**”), hereby moves the Board for an Order compelling Respondent IMAGE 10, INC. (“**Image 10**”), to respond appropriately to First Requests for the Production of Documents in accordance with the Federal Rules of Civil Procedure.

Opposer additionally requests an extension of the discovery period for the limited purpose of allowing Applicant time to receive and review all of Applicant’s discovery responses, especially including requested and promised documents, as ordered by the Board in preparation for anticipated depositions, and to pursue followup discovery if necessary. Applicant also requests that the testimony period be re-set to follow close of discovery.

Such an order is appropriate because Opposer has failed to adequately respond to Applicant's Document Requests. Applicant has made repeated good faith efforts to resolve the issues with Opposer but, to date, such efforts have been unsuccessful.

In support of this motion, Petitioner states as follows:

A: GENERAL REVIEW AND FACTUAL BACKGROUND

Based on a bonafide intent to use, Lemorande diligently researched the mark, “Night Of The Living Dead” (the Mark) and found no registration or evidence of continued or common source use.

Therefore, Lemorande filed his mark application. The USPTO examiner, presumably based on his or her own research, found no conflicts, and therefore, that application was posted for publication by the USPTO which resulted in an Opposition by Image 10.

That Opposition made claims of **prior use, continued use** and **superior common law rights** without stating any geographic limitation.

Petitioner served his First Set of Interrogatories, Requests to Admit and Requests for the Production of Documents. Based on meager responses by Opposer, and after exhausting efforts to resolve the matter with Opposer, Petitioner filed appropriate Motions to Compel

The Interlocutory Attorney issued an order instructing Opposer to comply with the original requests, specifically:

*"Opposer is allowed thirty days from the mailing date of this order to serve supplemental responses to Applicant's first set of requests for admission, **requests for production**, and interrogatories commensurate with the discovery guidelines set forth in this order."* [Emphasis added]

Opposer filed additional responses on March 7, 2018, the date due, and was more forthcoming with some but not all information requested.

B: AS TO DOCUMENT REQUESTS

Opposer served its initial response to Applicant's requests for documents with largely boilerplate objections, but Opposer did state that it would later provide documents pertaining to Request 3, 4, 5, 8 and 18. (See Exhibit E – Pgs. 4, 6 and 9 - Highlights added). As a result, Applicant, in good faith, patiently waited on such documents.

However, surprisingly, Opposer finally sent a revised response only on the last acceptable date (March 7, 2018) (Exhibit D – Highlights added) merely only now stating an objection to the original request.

In an email dated March 12, 2018 (Exhibit C, Pg. 4 – Highlights added), in response to Applicant's request for a discovery extension by stipulation, Opposer stated its view that Applicant had delayed in his document requests, and therefore, such an extension was not acceptable. (Opposer did agree to a 15 day extension which Applicant finds is not sufficient given the need to 1) receive responses, 2) analyse responses and 3) conduct meaningful depositions as a result of those considered responses.)

Applicant, confused, then pointed out that the TTAB had granted Opposer, in its order on Feb. 7, 2018, 30 days to serve supplemental responses to Applicant's first set of requests for, amongst other things, requests for production.

Applicant also communicated to Opposer (Exhibit C, Pg 5 – Highlights added) that, per TTAB Rule, it had waived its objections by having previously served a partial response to the original Document requests (although largely full of boilerplate objections) and by also stating that some documents would be forthcoming. (Exhibit E, Pgs. 4,6 and 9 – Highlights added).

The TTAB Rule states:

"If a party upon which requests have been served believes that the number of requests served exceeds the limitation specified in this paragraph, and is not willing to waive this basis for objection, the party shall, within the time for (and instead of) serving responses and specific objections to the requests, serve a general objection on the ground of their excessive number."

As a result of all of the above, Applicant, in good faith, waited for the promised documents rather submit a new filing.

Only on March 12 did Opposer most clearly stated it had no intention of sending any documents, and that Applicant should have known this. (Exhibit C, Pg 4. Highlight added.)

Had such a revised and recanted position been stated earlier, Applicant could have acted accordingly. Applicant subsequently sent a revised document request which is pending.

As a result of the above, Applicant soon thereafter transmitted, via email, a revised request for documents within the 75 request limit. Obviously, it will take some time for Opposer to fulfill the requests, and for Applicant to properly review prior to anticipated depositions. The TTAB Rule at issue reads as follows:

On March 9th and then again on March 12th (Exhibits A and F – Highlights added) Applicant requested an extension of discovery by stipulation in order to allow Applicant to 1) receive the requested documents – a time frame not under Applicant's control, 2) have satisfactory and reasonable time to review such documents, and to 3) hopefully resolve objections still outstanding from Opposer. Applicant requested an extension of **60 days**.

Opposer responded that it would grant **15 days** only. (Exhibit F, Pg 1 – Highlight added).

Applicant, in seeking to resolve the matter, adjusted his request to **30 days**. (Exhibit F, Pg. 2 – Highlight added).

Opposer again rejected the request, claiming the 15-day offer was a ‘courtesy’ only. (Exhibit F, Pg 4 – Highlight added).

Applicant on March 14, 2018 made a third request for a 30-day extension. Opposer, once again, rejected this proposal. (Exhibit F, Pg 5).

Applicant believes his request for an extension is reasonable, particularly due to the confusion created by Opposer regarding Document requests, first stating that some would be forthcoming and then not objecting to the number of requests until last week. Therefore, Applicant respectfully requests that the TTAB extend discovery for 60 days for the above decribed reasons.

If the Board finds that Applicant has been less than diligent in his actions pertaining to the above discovery communications, requesting action from Opposer, Applicant respectfully asks that the Board consider that where such procedures are part-and-parcel of the day-to-day operations of counsel for Opposer, Applicant often must study, research and then put such knowledge into action in a matter of days or even overnight. This is not to suggest that Applicant or any *in pro per* party should be given special treatment. However, it is to ask that as ‘excusable neglect’ is sometimes allowed in the actions of working attorneys, it might also be considered in the actions of an *in pro per* party.

Applicant does not believe that Opposer will be prejudiced in any way by this delay. Not only has Opposer largely created the circumstances by which discovery has not been completed, but having taken no action to secure a trademark registration for nearly 50 years since the creation of the Film, an additional 60 days seems of small significance.

Applicant respectfully requests that the Board order Applicant to fully respond to Opposer's First Requests for the Production of Documents without objections within twenty days from the mailing date of the Board's order on this motion.

C: MOTION TO EXTEND

In accordance with Fed. R. Civ. P. 6(b), Applicant hereby moves the Board for a sixty (60) day extension of the discovery period for the limited purpose of allowing Applicant) time to review Opposer's discovery responses as ordered by the Board, and to pursue follow-up discovery if necessary. Applicant also requests an extension of the testimony periods.

As detailed above, Applicant believes he has been reasonably diligent and sometimes highly diligent during the discovery period.

Applicant also made a good faith effort to resolve this matter before filing a motion to compel faced with the original non-responsive responses. Opposer, on the other hand, has had nearly a year in which to respond to the document requests during which it has agreed to send at least some documents but, to date, has sent nothing.

Opposer does not seek an extension of time for purposes of delay. It is requested that the (60) day extension run from the date of service of Opposer's discovery responses as ordered by the Board, and that the discovery period be otherwise closed. Opposer also requests an extension of the testimony period to follow the re-set discovery period.

D: CONCLUSION

For the reasons stated above, Applicant respectfully requests that the Board grant Applicant's motion to compel and order Opposer to respond to Applicant's Requests for the Production of Documents without objections within twenty days from the mailing date of

the Board's ruling on the motion. Applicant also respectfully requests that the Board grant Applicant's motion for an extension of the discovery period for the limited purpose of allowing Applicant time to review Opposer's discovery responses as ordered by the Board, and to pursue followup discovery if necessary. Applicant requests that the extension run from the date of service of Opposer's discovery responses as ordered by the Board, and that the discovery period be otherwise closed.

Opposer also requests that the testimony period be re-set to follow close of discov

E: CERTIFICATION OF GOOD FAITH EFFORT TO RESOLVE DISPUTE

In accordance with Trademark Rule 2.120(e), Petitioner hereby certifies that he has made a good faith effort to resolve the issues presented in this motion.

F: SUSPENSION PENDING RESOLUTION

With respect to the effect of a motion to compel discovery, the Trademark Rules of Practice provide:

When a party files a motion for an order to compel initial disclosure, expert testimony disclosure, or discovery, the case will be suspended by the Board with respect to all matters not germane to the motion.

37 C.F.R. § 2.120(e)(2).

Respectfully, Petitioner asks that this matter be suspended, and the trial dates extended and/or reset pending resolution of this motion.

Dated: March 15, 2018

Respectfully submitted,

Rusty Lemorande
In Pro Per
1245 North Crescent Heights
Blvd.
Los Angeles, CA 90046
Telephone: (323) 309 6146

/Rusty Lemorande/

Rusty Lemorande.
In Pro Per

CERTIFICATE OF SERVICE AND FILING

I hereby certify that a copy of the foregoing APPLICANT'S **OPPOSER'S COMBINED MOTION TO COMPEL AND MOTION TO EXTEND DISCOVERY AND TRIAL DATES** was served on counsel for Image 10 LLC by e- mailing said copy, as agreed by counsel, on March 15, 2018, to the following email address: Michael Meeks. At mmeeks@buchalter.com, Farah Bhatti at fbhatti@buchalter.com, and hblan@buchalter.com

/Rusty Lemorande/
Rusty Lemorande

EXHIBIT A

3/15/2018

Serial No: 87090468

Gmail - NOLD Stipulation

EXHIBIT A

Opposition Number: 91233690

Defendant (Lemorande's) Exhibit



Rusty Lemorande <lemorande@gmail.com>

NOLD Stipulation

1 message

Rusty Lemorande <lemorande@gmail.com>

Fri, Mar 9, 2018 at 1:30 PM

To: "Bhatti, Farah P." <fbhatti@buchalter.com>, "Meeks, Michael L." <mmeeks@buchalter.com>

Hello Michael and Farah:

Would you agree to stipulate to an extension on the discovery deadline of 60 days?

I assume the reasons are obvious. If not, just let me know and I'll elaborate.

Thank you.

Rusty

--

Sent from Gmail Mobile Tel [323 309 6146](tel:3233096146)

EXHIBIT B

3/15/2018

Serial No: 87090468

Opposition Number: 91233690

Defendant (Lemorande's) Exhibit

Gmail - Outstanding issues

EXHIBIT B



Rusty Lemorande <lemorande@gmail.com>

Outstanding issues

1 message

Rusty Lemorande <lemorande@gmail.com>

Tue, Mar 13, 2018 at 12:43 AM

To: "Meeks, Michael L." <mmeeks@buchalter.com>, "Bhatti, Farah P." <fbhatti@buchalter.com>

Hello:

As to TAX RETURNS -

In rebuttal to your proposition that they are not discoverable, I sent you a section from a relevant and ruling case decision on the matter, disputing your assertion, and requesting, once again, the tax returns.

I would think that if you dispute the information I sent, you would respond with your own dispositive info (e.g. statute, ruling). In other words, we would conduct an authentic 'meet and confer'.

Since you haven't responded, and because the discovery clock is ticking, I once again request the returns or a proper argument, with support, as to why they are not discoverable. They are obviously relevant. If you disagree, I ask that you argue that appropriately, as well.

As to PRIOR DOCUMENT REQUESTS -

In your response, you stated that certain documents would be forthcoming. I have been patiently waiting. However, thereafter, you sent a response stating that *nothing* would be produced. The prior promise of documents seems to have been dilatory. Please explain if my observation is incorrect.

Nevertheless, I will send you a new document request tomorrow which is within the limits.

As to CONFIDENTIAL ATTORNEY-EYES ONLY:

Please explain, in each instance where you assert that privilege, the basis for your assertion. Please provide the required privilege log, as well.

There are three issues described here. Would you please respond to each individually?

Sincerely,

Rusty Lemorande

--

RH Lemorande

P.O. Box 46771

LA, CA 90046

tel: 323 309 6146

EXHIBIT C



Rusty Lemorande <lemorande@gmail.com>

Request for Stipulation

9 messages

Rusty Lemorande <lemorande@gmail.com>

Mon, Mar 12, 2018 at 9:10 AM

To: "Bhatti, Farah P." <fbhatti@buchalter.com>, "Blan, Henry" <hblan@buchalter.com>, "Levinson, Lisa" <llevinson@buchalter.com>, "Meeks, Michael L." <mmeeks@buchalter.com>

Dear all:

I haven't gotten a response to my prior request so am re-inquiring. I'm sending to four individuals at your firm (all who have communicated with me in the past) in order to be certain you get this email.

Once again, would you agree to stipulate to a 60-day extension for discovery?

I have not received all discovery requested. Until I do, and have a reasonable time to review, I cannot conclude discovery including scheduling depositions.

Fort this and other reasons, I believe an extension is necessary for fair adjudication.

Please advise as soon as you can. I would like to avoid taking more of our time, and TTAB's time, with another motion.

Thank you.

Rusty Lemorande

--

RH Lemorande
P.O. Box 46771
LA, CA 90046
tel: [323 309 6146](tel:3233096146)

--

Sent from Gmail Mobile Tel [323 309 6146](tel:3233096146)

Bhatti, Farah P. <fbhatti@buchalter.com>

Mon, Mar 12, 2018 at 9:12 AM

To: Rusty Lemorande <lemorande@gmail.com>, "Meeks, Michael L." <mmeeks@buchalter.com>

Cc: ipdocket <ipdocket@buchalter.com>

Dear Mr. Lemorande,

We will agree to a 15 day extension. We note that all discovery has now been provided to you so there should be no need for any further delay.

Sincerely,

Farah

Farah Bhatti
Shareholder

Buchalter

A Professional Corporation

[18400 Von Karman Avenue, Suite 800 | Irvine, CA 92612-0514](#)

Direct Dial: (949) 224-6272 | Cell Phone: (213) 359-9315 | Direct Fax: (949) 720-0182 | Main Number: (949) 760-1121

Email: fbhatti@buchalter.com | www.buchalter.com | [Bio](#)

From: Rusty Lemorande [mailto:lemorande@gmail.com]

Sent: Monday, March 12, 2018 9:10 AM

To: Bhatti, Farah P.; Blan, Henry; Levinson, Lisa; Meeks, Michael L.

Subject: Request for Stipulation

[Quoted text hidden]

Notice To Recipient: This e-mail is meant for only the intended recipient of the transmission, and may be a communication privileged by law. If you received this e-mail in error, any review, use, dissemination, distribution, or copying of this e-mail is strictly prohibited. Please notify us immediately of the error by return e-mail and please delete this message and any and all duplicates of this message from your system. Thank you in advance for your cooperation. For additional policies governing this e-mail, please see <http://www.buchalter.com/about/firm-policies/>.

Rusty Lemorande <lemorande@gmail.com>

Mon, Mar 12, 2018 at 9:21 AM

To: "Bhatti, Farah P." <fbhatti@buchalter.com>

Fraser Ms. Bhatti:

Thanks for the quick reply.

I respectfully disagree. I've received no documents, as you know. I appreciate your argument against recognizing my prior request, and, as a result, will be sending a revised document request.

As I've written, only upon receiving those documents could I fairly prepare for depositions. I don't think that's unreasonable.

In an attempt to resolve this between us, would you agree to a 30 day extension?

That would be an acceptable compromise to me.

Thanks again for the quick response.

Rusty

[Quoted text hidden]

[Quoted text hidden]

Bhatti, Farah P. <fbhatti@buchalter.com>

Mon, Mar 12, 2018 at 9:26 AM

To: Rusty Lemorande <lemorande@gmail.com>

Cc: "Meeks, Michael L." <mmeeks@buchalter.com>, ipdocket@buchalter.com

Mr. Lemorande,

Responses were sent to you last week per the attached email.

Sincerely,

Farah

Farah Bhatti
Shareholder

Buchalter

A Professional Corporation

18400 Von Karman Avenue, Suite 800 | Irvine, CA 92612-0514

Direct Dial: (949) 224-6272 | Cell Phone: (213) 359-9315 | Direct Fax: (949) 720-0182 | Main Number: (949) 760-1121

Email: fbhatti@buchalter.com | www.buchalter.com | [Bio](#)**From:** Rusty Lemorande [mailto:lemorande@gmail.com]**Sent:** Monday, March 12, 2018 9:22 AM**To:** Bhatti, Farah P.**Subject:** Re: Request for Stipulation

[Quoted text hidden]

[Quoted text hidden]

----- Forwarded message -----

From: "Blan, Henry" <hblan@buchalter.com>To: "lemorande@gmail.com" <lemorande@gmail.com>Cc: "Bhatti, Farah P." <fbhatti@buchalter.com>, "Meeks, Michael L." <mmeeks@buchalter.com>, ipdocket@buchalter.com

Bcc:

Date: Wed, 7 Mar 2018 22:45:51 +0000

Subject: Image Ten, Inc. vs. Rusty Ralph Lemorande (Opposition No. 91233690) (Our Ref: W8258-0002)

Dear Mr. Lemorande:

Please find the attached on behalf of Farah P. Bhatti. Should you have any questions or comments please let us know or you may contact our offices at (949) 760-1121.

Thank you.

Henry Blan

Legal Assistant

Buchalter, A Professional Corporation

18400 Von Karman Avenue, Suite 800 | Irvine, CA 92612-0514

Direct Dial: (949) 224-6233 | Switchboard: (949) 760-1121

Email: hblan@Buchalter.com | www.buchalter.com

4 attachments**OPPOSER_S AMENDED RESPONSE TO APPLICANT_S REQUEST FOR ADMISSIONS (1st Se....pdf**
137K**OPPOSER_S AMENDED RESPONSE TO APPLICANT_S INTERROGATORIES (1st Set) (fin....pdf**
175K**OPPOSER_S AMENDED RESPONSE TO APPLICANT_S PRODUCTION REQUESTS (1st Set)pdf**
105K**noname.eml**
578K

Meeks, Michael L. <mmeeks@buchalter.com>

Mon, Mar 12, 2018 at 9:30 AM

To: "Bhatti, Farah P." <fbhatti@buchalter.com>, Rusty Lemorande <lemorande@gmail.com>

Mr. Lemorande:

You have been aware of the error in your document requests for many months. We identified the error in our original response. The TTAB identified the error in its order more than a month ago. **It is unreasonable to wait until the end of discovery to correct your long outstanding error.** Accordingly, there is no basis for any extension. The 15 days offered is purely a courtesy.

Regards,

Michael Meeks

Buchalter

A Professional Corporation

18400 Von Karman Avenue, Suite 800 | Irvine, CA 92612-0514

Direct Dial: (949) 224-6431 | Cell Phone: (213) 265-4432 | Direct Fax: (949) 224-6210 | Main Number: (949) 760-1121

Email: mmeeks@Buchalter.com | www.buchalter.com | Bio

From: Bhatti, Farah P.
Sent: Monday, March 12, 2018 9:26 AM
To: Rusty Lemorande
Cc: Meeks, Michael L.; ipdocket
Subject: RE: Request for Stipulation

[Quoted text hidden]

[Quoted text hidden]

Rusty Lemorande <lemorande@gmail.com>
To: "Meeks, Michael L." <mmeeks@buchalter.com>

Mon, Mar 12, 2018 at 9:35 AM

Hello:

Thanks to you, also, for the quick response.

I'm uncertain as to and of what you wrote, so I need to do a bit of research before responding fully.

I will do that research today and respond no later than tonight.

Thanks.

Rusty

[Quoted text hidden]

[Quoted text hidden]

Mon, Mar 12, 2018 at 9:49 AM

Rusty Lemorande <lemorande@gmail.com>
To: "Meeks, Michael L." <mmeeks@buchalter.com>

Typo corrected below:

Hello:

Thanks to you, also, for the quick response.

I'm uncertain as to some of what you wrote, so I need to do a bit of research before responding fully.

[Quoted text hidden]

[Quoted text hidden]

[Quoted text hidden]

Rusty Lemorande <lemorande@gmail.com> Wed, Mar 14, 2018 at 5:38 PM
To: "Meeks, Michael L." <mmeeks@buchalter.com>, "Bhatti, Farah P." <fbhatti@buchalter.com>

Michael:

In the TTAB order in February it was stated:

*"Opposer is allowed thirty days from the mailing date of this order to serve supplemental responses to Applicant's first set of requests for admission, **requests for production**, and interrogatories commensurate with the discovery guidelines set forth in this order."* [Emphasis added].

It seems to me more than reasonable to wait for your 'supplemental responses to Applicant's.... requests for production' as ordered by the TTAB.

Which I did.

However, you recently sent me (on March 7, the day before responses were due) a response that stated you were sending nothing. I'm confused. If that was your point of view and intention, why did you not communicate that to me within a few days after February 8th (the date of the order) rather than wait until the final moment? That would have allowed proper time to prepare and send a revised request (which I have).

In addition, the TTAB rule states:

"If a party upon which requests have been served believes that the number of requests served exceeds the limitation specified in this paragraph, and is not willing to waive this basis for objection, the party shall, within the time for (and instead of) serving responses BN 32054392v2 and specific objections to the requests, serve a general objection on the ground of their excessive number."

Arguably, by you responding to the first 75 requests, you waived the basis for objection. Please note the words 'if' in the rule, and then the words 'the party shall'.

Finally, in your initial responses, you stated as an answer to at least Requests 3, 4, 5, 8 and 10 that documents were forthcoming.

Why would I not take you at your word, expecting those documents and allowing you time to produce them?

Therefore, I feel your suggestion below that I waited to correct my error is disingenuous. I don't think it is I who has been 'unreasonable' (as you state) but you. I worry this was tactical on your part, causing me to get boxed within a discovery window.

I, once again, renew my request for a 30-day extension stipulation. I also renew my request that you explain why you feel tax returns are not discoverable despite the legal research I provided to you.

Obviously, these are time-sensitive matters. I must ask for a response by the close of business tomorrow.

No waivers should be construed by the above.

Sincerely,

Rusty Lemorande

[Quoted text hidden]

Meeks, Michael L. <mmeeks@buchalter.com>
To: Rusty Lemorande <lemorande@gmail.com>

Wed, Mar 14, 2018 at 7:31 PM

We offered you 15 days. I see no reason for a further extension beyond 15 days.

Sent from my iPhone

[Quoted text hidden]

EXHIBIT D

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

Image Ten, Inc. Opposer, v. Rusty Ralph Lemorande Applicant.	Opposition No.: 91233690 OPPOSER IMAGE TEN, INC.'S RESPONSE TO APPLICANT RUSTY RALPH LEMORANDE'S FIRST SET OF REQUEST FOR ADMISSIONS
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PROPOUNDING PARTY: APPLICANT RUSTY RALPH LEMORANDE
RESPONDING PARTY: OPPOSER IMAGE TEN, INC.
SET NO.: ONE (1)

**OPPOSER'S AMENDED RESPONSE TO APPLICANT'S FIRST SET OF
PRODUCTION REQUESTS**

Pursuant to Rules 26 and 33 of the Federal Rules of Civil Procedure and Rules 2.116 and 2.120 of the Trademark Rules of Practice, Opposer, Image Ten, Inc. ("Opposer"), by its attorneys, hereby provides this amended response to the First Set of Production Requests served by Applicant Rusty Ralph Lemorande (hereinafter "Applicant").

**OBJECTION TO OPPOSER'S FIRST SET OF PRODUCTION REQUESTS UNDER
TRADEMARK RULE OF PRACTICE 2.120(e), TBMP §406.05(e)**

Opposer objects to Applicant's First Set of Production Requests on the basis that the same violates 37 C.F.R. §2.120(e) as the actual number of production requests exceeds the 75 limit. Section 37 C.F.R. §2.120(e) specifically states:

If a party upon which requests have been served believes that the number of requests served exceeds the limitation specified in this paragraph, and is not willing to waive this basis for objection, the party shall, within the time for (and instead of) serving responses

and specific objections to the requests, serve a general objection on the ground of their excessive number. If the inquiring party, in turn, files a motion to compel discovery, the motion must be accompanied by a copy of the set(s) of the requests which together are said to exceed the limitation, and must otherwise comply with the requirements of paragraph (f) of this section.

Respectfully,

Dated: March 7, 2018

By: /fbhatti/
Farah P. Bhatti
Michael Meeks
Attorneys for Opposer
Buchalter, a Professional Corporation
18400 Von Karman Ave., Suite 800
Irvine, CA 92612
949.224.6272 (phone)
949.720.0182 (fax)
trademark@buchalter.com (email)

CERTIFICATE OF SERVICE

Opposer, Image Ten, Inc., hereby certifies that a copy of **OPPOSER'S AMENDED RESPONSE TO APPLICANT'S FIRST SET OF PRODUCTION REQUESTS** has been served upon Applicant on this 7th day of March, 2018, by email, at the following address:

lemorande@gmail.com

/fbhatti/

Attorney for Opposer

EXHIBIT E

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

Image Ten, Inc. Opposer, v. Rusty Ralph Lemorande Applicant.	Opposition No.: 91233690 OPPOSER IMAGE TEN, INC.'S RESPONSE TO APPLICANT RUSTY LEMORANDE'S FIRST SET OF REQUEST FOR PRODUCTION
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PROPOUNDING PARTY: APPLICANT RUSTY RALPH LEMORANDE ("RUSTY")
RESPONDING PARTY: OPPOSER IMAGE TEN, INC.
SET NO.: ONE (1)

OPPOSER'S RESPONSE TO APPLICANT'S PRODUCTION REQUEST (SET 1)

Pursuant to Rule 34 of the Federal Rules of Civil Procedure, and 37 C.F.R. § 2.120 of the Trademark Rules of Practice, Opposer Image Ten, Inc. ("Opposer") hereby submits responses to the First Set of Admissions propounded by Rusty Ralph Lemorande ("Lemorande"), as follows:

PRELIMINARY STATEMENT AND GENERAL OBJECTION

1. Opposer states that discovery is ongoing and will continue as long as permitted and that Opposer has not yet completed its investigation in this matter. Opposer specifically reserves its right to introduce any evidence from any source and/or testimony from any witness in this matter.

2. Opposer states that its responses are based on its present knowledge, information or belief. Opposer also states that they are responding to the requests as they interpret and understand each request. Further discovery and investigation may reveal information not presently known to Opposer upon which Opposer may rely at the time of trial. Opposer reserves its right, without assuming any obligation not required by law, to amend or supplement its responses to the requests as necessary.

3. Opposer states that the information and/or documents provided in its responses to the requests do not constitute an admission that such information is relevant to the pending litigation. Opposer specifically reserves all objections to the relevancy or admissibility at trial, or in connection with any motion, hearing or other proceeding, of any information provided.

4. Opposer states that nothing contained in these responses should be construed as an admission relative to the existence or non-existence of any fact and no response is to be considered an admission about the relevance or admissibility of any information contained herein.

5. Opposer expressly incorporates this Preliminary Statement into each of the following responses.

GENERAL OBJECTIONS

A. Opposer objects to the Requests propounded by Applicant to the extent they seek information that is neither relevant to the subject matter of this action nor reasonably calculated to lead to the discovery of admissible evidence with respect to the issues in this action

B. Applicant objects to the Requests as burdensome and as designed, in whole or in part, to harass rather than to serve any legitimate discovery purpose.

C. Opposer hereby objects to each and every request as being vague and ambiguous.

D. Opposer objects to the Requests as overbroad and not limited to a reasonable time period.

E. Opposer objects to the Requests to the extent they seek information of a commercially sensitive nature. Revealing such information would substantially and irreparably injure Applicant by revealing information which derives independent economic value from not being generally known or which has been acquired primarily through confidential research and development efforts by or on behalf of Applicant.

F. Opposer objects to the Requests to the extent they seek privileged information protected by the attorney-client privilege or the attorney-work product doctrine. Such privileged information includes, but is not limited to, the following:

- a. Information which constitutes, reflects, refers to or relates to confidential communications between officers, directors or employees of Opposer and counsel; and

b. Information which constitutes, reflects, refers to or relates to the impressions, conclusions, opinions or mental process of counsel, their agents or employees.

G. Opposer objects to the Requests to the extent they seek information relating to employees or customers of Opposer, the discovery of which would invade their right to privacy.

H. Opposer objects to the Requests to the extent Applicant has exceeded the limit for such Requests under the Federal Rules of Civil Procedure.

RESPONSES

REQUEST FOR PRODUCTION NO. 1:

Produce copies of all licenses that identify You as a licensor of the Mark.

RESPONSE TO REQUEST FOR PRODUCTION NO. 1:

Opposer incorporates the Preliminary Statement and General Objections set forth above. Opposer objects to the extent the request seeks documents protected from discovery by the attorney-client privilege or attorney work product doctrine. Opposer further objects to the extent documents contain confidential and proprietary information. Opposer also objects to the extent the documents are not relevant to the current proceeding.

REQUEST FOR PRODUCTION NO. 2:

Produce copies of licenses that identify You as the licensee of the Mark.

RESPONSE TO REQUEST FOR PRODUCTION NO. 2:

Opposer incorporates the Preliminary Statement and General Objections set forth above. Opposer objects to the extent the request seeks documents protected from discovery by the attorney-client privilege or attorney work product doctrine. Opposer further objects to the extent documents contain confidential and proprietary information. Opposer also objects to the extent the documents are not relevant to the current proceeding.

REQUEST FOR PRODUCTION NO. 3:

Produce copies of all assignment of the Mark.

RESPONSE TO REQUEST FOR PRODUCTION NO. 3:

Opposer incorporates the Preliminary Statement and General Objections set forth above. Opposer objects to the extent the request seeks documents protected from discovery by the attorney-client privilege or attorney work product doctrine. Opposer further objects to the extent documents contain confidential and proprietary information. Opposer also objects to the extent the documents are not relevant to the current proceeding. **Subject to and without waiving the foregoing objections, Opposer will produce responsive non-privileged documents.**

REQUEST FOR PRODUCTION NO. 4:

Produce all Documents that evidence your ownership of the Mark in the United States.

RESPONSE TO REQUEST FOR PRODUCTION NO. 4:

Opposer incorporates the Preliminary Statement and General Objections set forth above. Opposer objects to the extent the request seeks documents protected from discovery by the attorney-client privilege or attorney work product doctrine. Opposer further objects to the extent documents contain confidential and proprietary information. Opposer also objects to the extent the documents are not relevant to the current proceeding. **Subject to and without waiving the foregoing objections, Opposer will produce responsive non-privileged documents.**

REQUEST FOR PRODUCTION NO. 5:

Produce copies of complaints and other documents filed by You or on Your behalf regarding any Action You have filed regarding the Mark.

RESPONSE TO REQUEST FOR PRODUCTION NO. 5:

Opposer incorporates the Preliminary Statement and General Objections set forth above. Opposer objects to the extent the request seeks documents protected from discovery by the attorney-client privilege or attorney work product doctrine. Opposer further objects to the extent documents contain confidential and proprietary information. Opposer also objects to the extent the documents are not relevant to the current proceeding. **Subject to and without waiving the foregoing objections, Opposer will produce responsive non-privileged documents.**

REQUEST FOR PRODUCTION NO. 6:

Produce copies of financial statements showing all income earned by you from use of the Mark for Motion Pictures in the last 20 years.

RESPONSE TO REQUEST FOR PRODUCTION NO. 6:

Opposer incorporates the Preliminary Statement and General Objections set forth above. Opposer objects to the extent the request seeks documents protected from discovery by the attorney-client privilege or attorney work product doctrine. Opposer further objects to the extent documents contain confidential and proprietary information. Opposer also objects to the extent the documents are not relevant to the current proceeding.

REQUEST FOR PRODUCTION NO. 7:

Produce all other Documents in Your possession, not produced in response to Requests #1-6 above, that in any manner reference, memorialize, acknowledge, mention, discuss or otherwise pertain to Your ownership of the Mark for Motion Picture production.

RESPONSE TO REQUEST FOR PRODUCTION NO. 7:

Opposer incorporates the Preliminary Statement and General Objections set forth above. Opposer objects to the extent the request seeks documents protected from discovery by the attorney-client privilege or attorney work product doctrine. Opposer further objects to the extent documents contain confidential and proprietary information. Opposer also objects to the extent the documents are not relevant to the current proceeding.

REQUEST FOR PRODUCTION NO. 8:

Produce all Documents to support the claims You made in the Notice of Opposition.

RESPONSE TO REQUEST FOR PRODUCTION NO. 8:

Opposer incorporates the Preliminary Statement and General Objections set forth above. Opposer objects to the extent the request seeks documents protected from discovery by the attorney-client privilege or attorney work product doctrine. Opposer further objects to the extent documents contain confidential and proprietary information. Opposer also objects to the extent

the documents are not relevant to the current proceeding. **Subject to and without waiving the foregoing objections, Opposer will produce responsive non-privileged documents.**

REQUEST FOR PRODUCTION NO. 9:

Produce all Documents to support your answer to Request for Admission #1 in Rusty Lemorande's First Set of Requests for Admission.

RESPONSE TO REQUEST FOR PRODUCTION NO. 9:

Opposer incorporates the Preliminary Statement and General Objections set forth above. Opposer objects to the extent the request seeks documents protected from discovery by the attorney-client privilege or attorney work product doctrine. Opposer further objects to the extent documents contain confidential and proprietary information. Opposer also objects to the extent the documents are not relevant to the current proceeding.

REQUEST FOR PRODUCTION NO. 10:

Produce all Documents to support your answer to Request for Admission #2 in Rusty Lemorande's First Set of Requests for Admission.

RESPONSE TO REQUEST FOR PRODUCTION NO. 10:

Opposer incorporates the Preliminary Statement and General Objections set forth above. Opposer objects to the extent the request seeks documents protected from discovery by the attorney-client privilege or attorney work product doctrine. Opposer further objects to the extent documents contain confidential and proprietary information. Opposer also objects to the extent the documents are not relevant to the current proceeding.

REQUEST FOR PRODUCTION NO. 11:

Produce all Documents to support your answer to Request for Admission #3 in Rusty Lemorande's First Set of Requests for Admission.

RESPONSE TO REQUEST FOR PRODUCTION NO. 11:

Opposer incorporates the Preliminary Statement and General Objections set forth above. Opposer objects to the extent the request seeks documents protected from discovery by the attorney-client privilege or attorney work product doctrine. Opposer further objects to the extent documents contain confidential and proprietary information. Opposer also objects to the extent the documents are not relevant to the current proceeding.

REQUEST FOR PRODUCTION NO. 12:

Produce all Documents to support your answer to Request for Admission #4 in Rusty Lemorande's First Set of Requests for Admission.

RESPONSE TO REQUEST FOR PRODUCTION NO. 12:

Opposer incorporates the Preliminary Statement and General Objections set forth above. Opposer objects to the extent the request seeks documents protected from discovery by the attorney-client privilege or attorney work product doctrine. Opposer further objects to the extent documents contain confidential and proprietary information. Opposer also objects to the extent the documents are not relevant to the current proceeding.

REQUEST FOR PRODUCTION NO. 13:

Produce all Documents to support your answer to Request for Admission #5 in Rusty Lemorande's First Set of Requests for Admission.

RESPONSE TO REQUEST FOR PRODUCTION NO. 13:

Opposer incorporates the Preliminary Statement and General Objections set forth above. Opposer objects to the extent the request seeks documents protected from discovery by the attorney-client privilege or attorney work product doctrine. Opposer further objects to the extent documents contain confidential and proprietary information. Opposer also objects to the extent the documents are not relevant to the current proceeding.

REQUEST FOR PRODUCTION NO. 14:

Produce all Documents to support your answer to Request for Admission #6 in Rusty Lemorande's First Set of Requests for Admission.

RESPONSE TO REQUEST FOR PRODUCTION NO. 14:

Opposer incorporates the Preliminary Statement and General Objections set forth above. Opposer objects to the extent the request seeks documents protected from discovery by the attorney-client privilege or attorney work product doctrine. Opposer further objects to the extent documents contain confidential and proprietary information. Opposer also objects to the extent the documents are not relevant to the current proceeding.

REQUEST FOR PRODUCTION NO. 15:

Produce all Documents to support your answer to Request for Admission #7 in Rusty Lemorande's First Set of Requests for Admission.

RESPONSE TO REQUEST FOR PRODUCTION NO. 15:

Opposer incorporates the Preliminary Statement and General Objections set forth above. Opposer objects to the extent the request seeks documents protected from discovery by the attorney-client privilege or attorney work product doctrine. Opposer further objects to the extent documents contain confidential and proprietary information. Opposer also objects to the extent the documents are not relevant to the current proceeding.

REQUEST FOR PRODUCTION NO. 16:

Produce all Documents to support your answer to Request for Admission #8 in Rusty Lemorande's First Set of Requests for Admission.

RESPONSE TO REQUEST FOR PRODUCTION NO. 16:

Opposer incorporates the Preliminary Statement and General Objections set forth above. Opposer objects to the extent the request seeks documents protected from discovery by the attorney-client privilege or attorney work product doctrine. Opposer further objects to the extent documents contain confidential and proprietary information. Opposer also objects to the extent the documents are not relevant to the current proceeding.

REQUEST FOR PRODUCTION NO. 17:

Produce all Documents to support your answer to Request for Admission #9 in Rusty Lemorande's First Set of Requests for Admission.

RESPONSE TO REQUEST FOR PRODUCTION NO. 17:

Opposer incorporates the Preliminary Statement and General Objections set forth above. Opposer objects to the extent the request seeks documents protected from discovery by the attorney-client privilege or attorney work product doctrine. Opposer further objects to the extent documents contain confidential and proprietary information. Opposer also objects to the extent the documents are not relevant to the current proceeding.

REQUEST FOR PRODUCTION NO. 18:

Produce all Documents to support your answer to Request for Admission #10 in Rusty Lemorande's First Set of Requests for Admission.

RESPONSE TO REQUEST FOR PRODUCTION NO. 18:

Opposer incorporates the Preliminary Statement and General Objections set forth above. Opposer objects to the extent the request seeks documents protected from discovery by the

EXHIBIT F

3/15/2018

Serial No: 87090468

Opposition Number: 91233690

Defendant (Lemorande's) Exhibi

Gmail - Request for Stipulation

EXHIBIT F



Rusty Lemorande <lemorande@gmail.com>

Request for Stipulation

9 messages

Rusty Lemorande <lemorande@gmail.com>

Mon, Mar 12, 2018 at 9:10 AM

To: "Bhatti, Farah P." <fbhatti@buchalter.com>, "Blan, Henry" <hblan@buchalter.com>, "Levinson, Lisa" <llevinson@buchalter.com>, "Meeks, Michael L." <mmeeks@buchalter.com>

Dear all:

I haven't gotten a response to my prior request so am re-inquiring. I'm sending to four individuals at your firm (all who have communicated with me in the past) in order to be certain you get this email.

Once again, would you agree to stipulate to a 60-day extension for discovery?

I have not received all discovery requested. Until I do, and have a reasonable time to review, I cannot conclude discovery including scheduling depositions.

Fort this and other reasons, I believe an extension is necessary for fair adjudication.

Please advise as soon as you can. I would like to avoid taking more of our time, and TTAB's time, with another motion.

Thank you.

Rusty Lemorande

--

RH Lemorande
P.O. Box 46771
LA, CA 90046
tel: [323 309 6146](tel:3233096146)

--

Sent from Gmail Mobile Tel [323 309 6146](tel:3233096146)

Bhatti, Farah P. <fbhatti@buchalter.com>

Mon, Mar 12, 2018 at 9:12 AM

To: Rusty Lemorande <lemorande@gmail.com>, "Meeks, Michael L." <mmeeks@buchalter.com>

Cc: ipdocket <ipdocket@buchalter.com>

Dear Mr. Lemorande,

We will agree to a 15 day extension. We note that all discovery has now been provided to you so there should be no need for any further delay.

Sincerely,

Farah

Farah Bhatti
Shareholder

Buchalter

A Professional Corporation

[18400 Von Karman Avenue, Suite 800 | Irvine, CA 92612-0514](#)

Direct Dial: (949) 224-6272 | Cell Phone: (213) 359-9315 | Direct Fax: (949) 720-0182 | Main Number: (949) 760-1121

Email: fbhatti@buchalter.com | www.buchalter.com | [Bio](#)

From: Rusty Lemorande [mailto:lemorande@gmail.com]

Sent: Monday, March 12, 2018 9:10 AM

To: Bhatti, Farah P.; Blan, Henry; Levinson, Lisa; Meeks, Michael L.

Subject: Request for Stipulation

[Quoted text hidden]

Notice To Recipient: This e-mail is meant for only the intended recipient of the transmission, and may be a communication privileged by law. If you received this e-mail in error, any review, use, dissemination, distribution, or copying of this e-mail is strictly prohibited. Please notify us immediately of the error by return e-mail and please delete this message and any and all duplicates of this message from your system. Thank you in advance for your cooperation. For additional policies governing this e-mail, please see <http://www.buchalter.com/about/firm-policies/>.

Rusty Lemorande <lemorande@gmail.com>

Mon, Mar 12, 2018 at 9:21 AM

To: "Bhatti, Farah P." <fbhatti@buchalter.com>

Fraser Ms. Bhatti:

Thanks for the quick reply.

I respectfully disagree. I've received no documents, as you know. I appreciate your argument against recognizing my prior request, and, as a result, will be sending a revised document request.

As I've written, only upon receiving those documents could I fairly prepare for depositions. I don't think that's unreasonable.

In an attempt to resolve this between us, would you agree to a 30 day extension?

That would be an acceptable compromise to me.

Thanks again for the quick response.

Rusty

[Quoted text hidden]

[Quoted text hidden]

Bhatti, Farah P. <fbhatti@buchalter.com>

Mon, Mar 12, 2018 at 9:26 AM

To: Rusty Lemorande <lemorande@gmail.com>

Cc: "Meeks, Michael L." <mmEEKS@buchalter.com>, ipdocket@buchalter.com

Mr. Lemorande,

Responses were sent to you last week per the attached email.

Sincerely.

Farah

Farah Bhatti
Shareholder

Buchalter

A Professional Corporation

18400 Von Karman Avenue, Suite 800 | Irvine, CA 92612-0514

Direct Dial: (949) 224-6272 | Cell Phone: (213) 359-9315 | Direct Fax: (949) 720-0182 | Main Number: (949) 760-1121

Email: fbhatti@buchalter.com | www.buchalter.com | [Bio](#)**From:** Rusty Lemorande [mailto:lemorande@gmail.com]**Sent:** Monday, March 12, 2018 9:22 AM**To:** Bhatti, Farah P.**Subject:** Re: Request for Stipulation

[Quoted text hidden]

[Quoted text hidden]

----- Forwarded message -----

From: "Blan, Henry" <hblan@buchalter.com>To: "lemorande@gmail.com" <lemorande@gmail.com>Cc: "Bhatti, Farah P." <fbhatti@buchalter.com>, "Meeks, Michael L." <mmeeks@buchalter.com>, ipdocket@buchalter.com

Bcc:

Date: Wed, 7 Mar 2018 22:45:51 +0000

Subject: Image Ten, Inc. vs. Rusty Ralph Lemorande (Opposition No. 91233690) (Our Ref: W8258-0002)

Dear Mr. Lemorande:

Please find the attached on behalf of Farah P. Bhatti. Should you have any questions or comments please let us know or you may contact our offices at (949) 760-1121.

Thank you.

Henry Blan

Legal Assistant

Buchalter, A Professional Corporation

18400 Von Karman Avenue, Suite 800 | Irvine, CA 92612-0514

Direct Dial: (949) 224-6233 | Switchboard: (949) 760-1121

Email: hblan@Buchalter.com | www.buchalter.com

4 attachments**OPPOSER_S AMENDED RESPONSE TO APPLICANT_S REQUEST FOR ADMISSIONS (1st Se....pdf**
137K**OPPOSER_S AMENDED RESPONSE TO APPLICANT_S INTERROGATORIES (1st Set) (fin....pdf**
175K**OPPOSER_S AMENDED RESPONSE TO APPLICANT_S PRODUCTION REQUESTS (1st Set)pdf**
105K**noname.eml**
578K

Meeks, Michael L. <mmeeks@buchalter.com>

Mon, Mar 12, 2018 at 9:30 AM

To: "Bhatti, Farah P." <fbhatti@buchalter.com>, Rusty Lemorande <lemorande@gmail.com>

Mr. Lemorande:

You have been aware of the error in your document requests for many months. We identified the error in our original response. The TTAB identified the error in its order more than a month ago. It is unreasonable to wait until the end of discovery to correct your long outstanding error. Accordingly, there is no basis for any extension. The 15 days offered is purely a courtesy.

Regards,

Michael Meeks

Buchalter

A Professional Corporation

18400 Von Karman Avenue, Suite 800 | Irvine, CA 92612-0514

Direct Dial: (949) 224-6431 | Cell Phone: (213) 265-4432 | Direct Fax: (949) 224-6210 | Main Number: (949) 760-1121

Email: mmeeks@Buchalter.com | www.buchalter.com | Bio

From: Bhatti, Farah P.
Sent: Monday, March 12, 2018 9:26 AM
To: Rusty Lemorande
Cc: Meeks, Michael L.; ipdocket
Subject: RE: Request for Stipulation

[Quoted text hidden]

[Quoted text hidden]

Rusty Lemorande <lemorande@gmail.com>
To: "Meeks, Michael L." <mmeeks@buchalter.com>

Mon, Mar 12, 2018 at 9:35 AM

Hello:

Thanks to you, also, for the quick response.

I'm uncertain as to and of what you wrote, so I need to do a bit of research before responding fully.

I will do that research today and respond no later than tonight.

Thanks.

Rusty

[Quoted text hidden]

[Quoted text hidden]

Mon, Mar 12, 2018 at 9:49 AM

Rusty Lemorande <lemorande@gmail.com>
To: "Meeks, Michael L." <mmeeks@buchalter.com>

Typo corrected below:

Hello:

Thanks to you, also, for the quick response.

I'm uncertain as to some of what you wrote, so I need to do a bit of research before responding fully.

[Quoted text hidden]

[Quoted text hidden]

[Quoted text hidden]

Rusty Lemorande <lemorande@gmail.com>
To: "Meeks, Michael L." <mmeeks@buchalter.com>, "Bhatti, Farah P." <fbhatti@buchalter.com>

Wed, Mar 14, 2018 at 5:38 PM

Michael:

In the TTAB order in February it was stated:

*"Opposer is allowed thirty days from the mailing date of this order to serve supplemental responses to Applicant's first set of requests for admission, **requests for production**, and interrogatories commensurate with the discovery guidelines set forth in this order."* [Emphasis added].

It seems to me more than reasonable to wait for your 'supplemental responses to Applicant's.... requests for production' as ordered by the TTAB.

Which I did.

However, you recently sent me (on March 7, the day before responses were due) a response that stated you were sending nothing. I'm confused. If that was your point of view and intention, why did you not communicate that to me within a few days after February 8th (the date of the order) rather than wait until the final moment? That would have allowed proper time to prepare and send a revised request (which I have).

In addition, the TTAB rule states:

"If a party upon which requests have been served believes that the number of requests served exceeds the limitation specified in this paragraph, and is not willing to waive this basis for objection, the party shall, within the time for (and instead of) serving responses BN 32054392v2 and specific objections to the requests, serve a general objection on the ground of their excessive number."

Arguably, by you responding to the first 75 requests, you waived the basis for objection. Please note the words 'if' in the rule, and then the words 'the party shall'.

Finally, in your initial responses, you stated as an answer to at least Requests 3, 4, 5, 8 and 10 that documents were forthcoming.

Why would I not take you at your word, expecting those documents and allowing you time to produce them?

Therefore, I feel your suggestion below that I waited to correct my error is disingenuous. I don't think it is I who has been 'unreasonable' (as you state) but you. I worry this was tactical on your part, causing me to get boxed within a discovery window.

I, once again, renew my request for a 30-day extension stipulation. I also renew my request that you explain why you feel tax returns are not discoverable despite the legal research I provided to you.

Obviously, these are time-sensitive matters. I must ask for a response by the close of business tomorrow.

No waivers should be construed by the above.

Sincerely,

Rusty Lemorande

[Quoted text hidden]

Meeks, Michael L. <mmeeks@buchalter.com>
To: Rusty Lemorande <lemorande@gmail.com>

Wed, Mar 14, 2018 at 7:31 PM

We offered you 15 days. I see no reason for a further extension beyond 15 days.

Sent from my iPhone

[Quoted text hidden]